

# Exhibit A



Entered on Docket  
December 29, 2009

Hon. Linda B. Riegle  
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR

Case No. BK-S-06-10726-LBR<sup>1</sup>

Case No. BK-S-06-10727-LBR

Case No. BK-S-06-10728-LBR<sup>2</sup>

Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING THIRD OMNIBUS OBJECTION OF USACM TRUST TO PROOFS OF CLAIM BASED IN WHOLE OR IN PART, UPON INVESTMENT IN THE BEAU RIVAGE HOMES LOAN**

Hearing Date: December 18, 2009  
Hearing Time: 1:30 p.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1       The Court having considered the “ Third Omnibus Objection of USACM Trust to  
2 Proofs of Claim Based In Whole or In Part, Upon Investment in The Beau Rivage Homes  
3 Loan”, [Docket No. 7804] (the “Objection”) at its December 18, 2009 Omnibus Hearing;  
4 proper notice of the Objection having been given; no response to the Objection having  
5 been filed; and good cause appearing:

6       **IT IS HEREBY ORDERED:**

- 7           1.     The Objection is sustained;
- 8           2.     The claims listed on **Exhibit A** attached are allowed as general  
9                unsecured claims for the amount shown on Exhibit A as Unremitted  
10              Principal; and
- 11           3.     The claims listed on **Exhibit A** are disallowed to the extent they are  
12              based upon a Direct Lender investment in The Beau Rivage Homes  
13              Loan.
- 14           4.     To the extent the claims listed on Exhibit A are based upon  
15              investments in loans other than The Beau Rivage Homes Loan, this  
16              order does not affect the claims and the USACM Trust may file  
17              further objections.

18       PREPARED AND RESPECTFULLY SUBMITTED BY:

19  
20       **LEWIS AND ROCA LLP**

21       By /s/ John Hinderaker (018024)

22           Rob Charles

23           John Hinderaker (*pro hac vice*)

24           Marvin Ruth

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29           Attorneys for USACM Liquidating Trust

1 In accordance with Local Rule 9021, the undersigned certifies:

- 2  The Court waived the requirements of LR 9021.
- 3  This is a Chapter 11 case. I have delivered a copy of this proposed order to all  
4 counsel who appeared at the hearing, any unrepresented parties who appeared at  
5 the hearing, and any trustee appointed in this case, and each has approved or  
6 disapproved the order, or failed to respond, as indicated below (list each party  
and whether the party has approved, disapproved, or failed to respond to the  
document):

7 U.S. Trustee: August Landis	
8 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
9 <input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
10 Other Party (no other parties appeared):	
11 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
12 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

13 #####

14 Submitted by:

15 **LEWIS AND ROCA LLP**

16 By: /s/John Hinderaker (#018024)

17 Rob Charles

18 John Hinderaker (*pro hac vice*)

19 Marvin Ruth

20 Attorneys for USACM Liquidating Trust

USACM TRUST  
PAID LOAN OBJECTION

EXHIBIT A  
MULTIPLE LOAN CLAIMS  
BEAU RIVAGE HOMES/\$8,000,000

Claim	Name	Address	Total Claim Amount	Amount Related to The Beau Rivage Homes/\$8,000,000 Loan	Allowed Diverted Principal Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Beau Rivage Homes/\$8,000,000 Loan
10725-01501	Panagiotis Dovanidis & Dimitra Dovanidou Jt Wros	14 Mikinon St Glyfada Athens Greece 16675	30,000.00	Unknown	-	Unknown
10725-01502	Panagiotis Dovanidis & Dimitra Dovanidou Jt Wros	14 Mikinon St Glyfada Athens Greece 16675	50,000.00	Unknown	-	Unknown
10725-01503	Panagiotis Dovanidis & Dimitra Dovanidou Jt Wros	14 Mikinon St Glyfada Athens Greece 16675	50,000.00	Unknown	-	Unknown
10725-01504	Panagiotis Dovanidis & Dimitra Dovanidou Jt Wros	14 Mikinon St Glyfada Athens Greece 16675	50,000.00	Unknown	-	Unknown
10725-01505	Panagiotis Dovanidis & Dimitra Dovanidou Jt Wros	14 Mikinon St Glyfada Athens Greece 16675	50,000.00	Unknown	-	Unknown
10725-01506	Panagiotis Dovanidis & Dimitra Dovanidou Jt Wros	14 Mikinon St Glyfada Athens Greece 16675	50,000.00	Unknown	-	Unknown
10725-01507	Panagiotis Dovanidis & Dimitra Dovanidou Jt Wros	14 Mikinon St Glyfada Athens Greece 16675	30,000.00	Unknown	-	Unknown
10725-01508	Panagiotis Dovanidis & Dimitra Dovanidou Jt Wros	14 Mikinon St Glyfada Athens Greece 16675	30,000.00	Unknown	-	Unknown
10725-01509	Panagiotis Dovanidis & Dimitra Dovanidou Jt Wros	14 Mikinon St Glyfada Athens Greece 16675	50,000.00	Unknown	-	Unknown
10725-01510	Panagiotis Dovanidis & Dimitra Dovanidou Jt Wros	14 Mikinon St Glyfada Athens Greece 16675	50,000.00	Unknown	1,139.16	Unknown